

# EXHIBIT 3



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**From:** Sheasby, Jason  
**Sent:** Saturday, January 20, 2024 12:21 PM  
**To:** Daniel Tishman; Chestney, Isabella; Tezyan, Michael; Rueckheim, Mike; FISH SERVICE Samsung/Netlist 22cv00293; Winston-Micron-Netlist  
**Cc:** #Netlist-Samsung293; #Netlist-Micron294; jtruelove@mckoolsmith.com; ~Baxter, Samuel; tom@gillamsmithlaw.com; ~Smith, Melissa; 'Nester, Brian'; 'Ahn, Alice'; 'jromanow@cov.com'; 'gschmidt@hilgersgraben.com'; 'jhyland@hilgersgraben.com'; ce@wsfirm.com; andrea@wsfirm.com; wh@wsfirm.com; ~Doan, Jennifer; 'jthane@haltomdoan.com'; 'mhornok@haltomdoan.com'; 'mthornberry@haltomdoan.com'; ametlitsky@omm.com; alucas@omm.com  
**Subject:** Re: Netlist v. Samsung-293/294 - R&R of the Special Master

We don't know if I misspoke or it was a mis-transcription. But it was wrong. And so we are going to get the motion on file.

JS

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**From:** Daniel Tishman <tishman@fr.com>  
**Date:** Saturday, January 20, 2024 at 12:16 PM  
**To:** "Chestney, Isabella" <ichestney@irell.com>, "Tezyan, Michael" <mtezyan@irell.com>, "Rueckheim, Mike" <MRueckheim@winston.com>, FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>, Winston-Micron-Netlist@winston.com>  
**Cc:** #Netlist-Samsung293 <Netlist-Samsung293@irell.com>, #Netlist-Micron294 <netlist-micron294@irell.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>, "~Baxter, Samuel" <sbaxter@mckoolsmith.com>, "tom@gillamsmithlaw.com" <tom@gillamsmithlaw.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, "'Nester, Brian'" <bnester@cov.com>, "'Ahn, Alice'" <aahn@cov.com>, "'jromanow@cov.com'" <jromanow@cov.com>, "'gschmidt@hilgersgraben.com'" <gschmidt@hilgersgraben.com>, "'jhyland@hilgersgraben.com'" <jhyland@hilgersgraben.com>, "ce@wsfirm.com" <ce@wsfirm.com>, "andrea@wsfirm.com" <andrea@wsfirm.com>, "wh@wsfirm.com" <wh@wsfirm.com>, "~Doan, Jennifer" <jdoan@haltomdoan.com>, "jthane@haltomdoan.com" <jthane@haltomdoan.com>, "'mhornok@haltomdoan.com'" <mhornok@haltomdoan.com>, "'mthornberry@haltomdoan.com'" <mthornberry@haltomdoan.com>, "ametlitsky@omm.com" <ametlitsky@omm.com>, "alucas@omm.com" <alucas@omm.com>  
**Subject:** RE: Netlist v. Samsung-293/294 - R&R of the Special Master

Isabella and Michael –

First, no objection to you all sharing the R&R with Netlist. We further propose that it should be promptly filed on the public record. Please let us know if you have any redactions to the public version to be filed.

Second, on the transcript, we again request confirmation that there is no further Netlist confidential information in it beyond what we redacted in the version we previously sent. See attached. The transcript likewise needs to be filed on the public record promptly (after any necessary redactions are made).

As for the corrections, can you please clarify: is it Netlist's position that the error is a transcription error (i.e., mis-transcribed), or an error in what counsel said (i.e., misspoke)? It is not entirely clear from the correspondence or the draft motion. We will work to get you an answer as soon as possible, but it may not be tomorrow as we still have not been able to share the transcript with Samsung (and they will not likely be able to weigh in until Monday). If you wish to file sooner than Monday, you can indicate as much in the motion. If we can provide our position before then, we will let you know as soon as possible.

Relatedly, when you can, please let us know your position on our motion to file a corrected version of the motion to bifurcate?

Thanks, and have a nice weekend –  
Dan

**Daniel Tishman :: Fish & Richardson P.C. :: +1 (202) 626-7725**

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**From:** Chestney, Isabella <ichestney@irell.com>

**Sent:** Saturday, January 20, 2024 1:54 PM

**To:** Tezyan, Michael <mtezyan@irell.com>; Daniel Tishman <tishman@fr.com>; Rueckheim, Mike

<MRueckheim@winston.com>; FISH SERVICE Samsung/Netlist 22cv00293

<FISHSERVICESamsung/Netlist22cv00293@fr.com>; Winston-Micron-Netlist <Winston-Micron-Netlist@winston.com>

**Cc:** #Netlist-Samsung293 <Netlist-Samsung293@irell.com>; #Netlist-Micron294 <netlist-micron294@irell.com>;

jtruelove@mckoolsmith.com; Sam Baxter <sbaxter@mckoolsmith.com>; tom@gillamsmithlaw.com;

melissa@gillamsmithlaw.com; 'Nester, Brian' <bnester@cov.com>; 'Ahn, Alice' <aahn@cov.com>; 'jromanow@cov.com'

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<jhyland@hilgersgraben.com>; ce@wsfirm.com; andrea@wsfirm.com; wh@wsfirm.com; ~Doan, Jennifer

<jdoan@haltomdoan.com>; 'jthane@haltomdoan.com' <jthane@haltomdoan.com>; 'mhornok@haltomdoan.com'

<mhornok@haltomdoan.com>; 'mthornberry@haltomdoan.com' <mthornberry@haltomdoan.com>

**Subject:** RE: Netlist v. Samsung-293/294 - R&R of the Special Master

Hi Dan,

Following up on the below, attached is a draft motion to correct the hearing transcript we plan to file tomorrow. If you oppose, please let us know your availability to meet-and-confer on this today or early tomorrow per Judge Folsom's Order.

Thank you,  
Isabella

**Isabella Chestney**

*Associate*

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1800 Avenue of the Stars, Suite 900

Los Angeles, CA 90067

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**From:** Tezyan, Michael <mtezyan@irell.com>

**Sent:** Friday, January 19, 2024 8:07 PM

**To:** Daniel Tishman <tishman@fr.com>; Rueckheim, Mike <MRueckheim@winston.com>; FISH SERVICE Samsung/Netlist

22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>; Winston-Micron-Netlist <Winston-Micron-

Netlist@winston.com>

**Cc:** #Netlist-Samsung293 <Netlist-Samsung293@irell.com>; #Netlist-Micron294 <netlist-micron294@irell.com>;

jtruelove@mckoolsmith.com; ~Baxter, Samuel <sbaxter@mckoolsmith.com>; tom@gillamsmithlaw.com; ~Smith,

Melissa <[melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)>; 'Nester, Brian' <[bnester@cov.com](mailto:bnester@cov.com)>; 'Ahn, Alice' <[aahn@cov.com](mailto:aahn@cov.com)>; 'jromanow@cov.com' <[jromanow@cov.com](mailto:jromanow@cov.com)>; 'gschmidt@hilgersgraben.com' <[gschmidt@hilgersgraben.com](mailto:gschmidt@hilgersgraben.com)>; 'jhyland@hilgersgraben.com' <[jhyland@hilgersgraben.com](mailto:jhyland@hilgersgraben.com)>; [ce@wsfirm.com](mailto:ce@wsfirm.com); [andrea@wsfirm.com](mailto:andrea@wsfirm.com); [wh@wsfirm.com](mailto:wh@wsfirm.com); ~Doan, Jennifer <[jdoan@haltomdoan.com](mailto:jdoan@haltomdoan.com)>; 'jthane@haltomdoan.com' <[jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)>; 'mhornok@haltomdoan.com' <[mhornok@haltomdoan.com](mailto:mhornok@haltomdoan.com)>; 'mthornberry@haltomdoan.com' <[mthornberry@haltomdoan.com](mailto:mthornberry@haltomdoan.com)>

**Subject:** RE: Netlist v. Samsung-293/294 - R&R of the Special Master

Hi Dan,

You may share the R&R with your client. Please let us know if Samsung has any redactions to it.

With respect to redactions to the January 5 hearing transcript, per the Special Master's order, Netlist intends to file a motion to correct the transcript with the corrections identified in Jason Sheasby's January 14 email (copied below). Please let us know if you are available this weekend to briefly meet and confer on this as required by the Special Master's order, or if Samsung does not oppose Netlist's motion to correct the following portions of the transcript (corrections bolded):

14 And so their narrative in -- is the following:  
15 The JDLA license agreement -- the JDLA agreement related  
16 to a joint venture, and we committed to supply product  
17 under that joint venture. Once that joint venture  
18 ended, the commitment to supply the product ceased. So  
19 we end it.  
20 Our position is that that's an inaccurate  
21 interpretation. **But if it is,** the license grant, as well, was limited  
22 to the JDLA.

Best,  
Michael

**Michael Tezian**

*Associate*

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**From:** Daniel Tishman <[tishman@fr.com](mailto:tishman@fr.com)>

**Sent:** Thursday, January 18, 2024 3:44 PM

**To:** Tezian, Michael <[mtezian@irell.com](mailto:mtezian@irell.com)>; Rueckheim, Mike <[MRueckheim@winston.com](mailto:MRueckheim@winston.com)>; FISH SERVICE Samsung/Netlist 22cv00293 <[FISHSERVICESamsung/Netlist22cv00293@fr.com](mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com)>; Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>

**Cc:** #Netlist-Samsung293 <[Netlist-Samsung293@irell.com](mailto:Netlist-Samsung293@irell.com)>; #Netlist-Micron294 <[netlist-micron294@irell.com](mailto:netlist-micron294@irell.com)>; [jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com); ~Baxter, Samuel <[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)>; [tom@gillamsmithlaw.com](mailto:tom@gillamsmithlaw.com); ~Smith, Melissa <[melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)>; 'Nester, Brian' <[bnester@cov.com](mailto:bnester@cov.com)>; 'Ahn, Alice' <[aahn@cov.com](mailto:aahn@cov.com)>; 'jromanow@cov.com' <[jromanow@cov.com](mailto:jromanow@cov.com)>; 'gschmidt@hilgersgraben.com' <[gschmidt@hilgersgraben.com](mailto:gschmidt@hilgersgraben.com)>; 'jhyland@hilgersgraben.com' <[jhyland@hilgersgraben.com](mailto:jhyland@hilgersgraben.com)>; [ce@wsfirm.com](mailto:ce@wsfirm.com); [andrea@wsfirm.com](mailto:andrea@wsfirm.com); [wh@wsfirm.com](mailto:wh@wsfirm.com); ~Doan, Jennifer <[jdoan@haltomdoan.com](mailto:jdoan@haltomdoan.com)>; 'jthane@haltomdoan.com' <[jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)>; 'mhornok@haltomdoan.com' <[mhornok@haltomdoan.com](mailto:mhornok@haltomdoan.com)>; 'mthornberry@haltomdoan.com' <[mthornberry@haltomdoan.com](mailto:mthornberry@haltomdoan.com)>

**Subject:** RE: Netlist v. Samsung-293/294 - R&R of the Special Master

Thanks Michael – we are reviewing and will follow up soon. Can you please confirm whether there is Netlist confidential information?

The transcript also needs to be filed. Will plaintiff be filing the transcript? We sent an email around with proposed redactions and have not heard back yet (we did receive a request for some additional redactions from Micron though).

Best regards,  
Dan

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**From:** Tezyan, Michael <[mtezyan@irell.com](mailto:mtezyan@irell.com)>

**Sent:** Thursday, January 18, 2024 6:34 PM

**To:** Daniel Tishman <[tishman@fr.com](mailto:tishman@fr.com)>; Rueckheim, Mike <[MRueckheim@winston.com](mailto:MRueckheim@winston.com)>; FISH SERVICE Samsung/Netlist 22cv00293 <[FISHSERVICESamsung/Netlist22cv00293@fr.com](mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com)>; Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>

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**Subject:** Netlist v. Samsung-293/294 - R&R of the Special Master

[This email originated outside of F&R.]

Samsung/Micron counsel,

Please let us know if we can share the Special Master's report and recommendation with Netlist, or if there is any Samsung or Micron confidential information that needs to be redacted first.

Thanks,  
Michael

**Michael Tezyan**

*Associate*

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